

## HUSCH BLACKWELL

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April 1, 2021

VIA ECF

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007

Re: *New York City Transit Authority v. Express Scripts, Inc.*  
No. 1:19-cv-05196-JMF (S.D.N.Y.)

Dear Judge Furman:

On behalf of Defendant Express Scripts, Inc. ("Express Scripts"), and pursuant to Section 6 of the S.D.N.Y.'s Electronic Case Filing Rules and Section 7 of the Court's Individual Rules and Practices in Civil Cases, I write to respectfully request leave to file under seal MSJ Ex. 1, part 7 of 11, inadvertently omitted from the sealed filing (Doc. No. 116) connected to Express Scripts' motion for summary judgment and motion to exclude Plaintiff's expert on March 31, 2021.

Express Scripts' prior letter motion requesting leave to seal (Doc. No. 116) sought leave to file MSJ Ex. 1 in redacted format. MSJ Ex. 1 is the contract between NYCTA and Express Scripts, and Express Scripts sought leave to redact the pricing and other confidential financial information contained within the contract. (*Id.*).

Due to the size of the contract, it had to be filed in multiple parts. All parts of the redacted version of the contract were filed for public view. However, one part of the under seal, non-redacted copy of the contract (part 7 of 11) was inadvertently omitted from the sealed filing.

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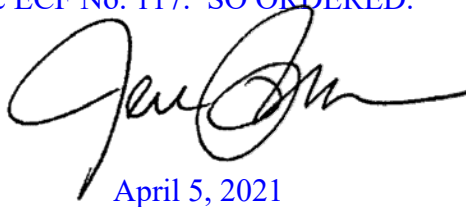
Accordingly, Express Scripts respectfully requests leave to complete the record and file the unredacted version of MSJ Ex. 1 part 7 of 11 under seal as referenced above.

Respectfully submitted,

*/s/ Elizabeth A. Bozicevic*

Elizabeth A. Bozicevic

The Application is GRANTED. The exhibit filed at ECF No. 117-1 will be deemed part of the submission filed at ECF No. 116. As mentioned in the Court's prior Order, ECF No. 118, the Court will assess whether to keep the material at issue sealed or redacted when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 117. SO ORDERED.



April 5, 2021